

**Rieman, Kathleen (USANYW)**

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**From:** Knope, Sharon (USANYW)  
**Sent:** Friday, July 19, 2013 9:12 AM  
**To:** Rieman, Kathleen (USANYW)  
**Subject:** FW: Tonawanda coke case

fyi

*Sharon Knope*

Victim Witness Coordinator  
United States Attorney's Office  
Western District of New York  
138 Delaware Ave  
Buffalo, NY 14202  
716-843-5828  
Emergency cell 716-289-1774

**From:** Jay Farquharson [mailto: [REDACTED]]  
**Sent:** Friday, July 19, 2013 6:36 AM  
**To:** Knope, Sharon (USANYW)  
**Subject:** Tonawanda coke case

Hello Sharon,

I am sending you a two page impact statement in the mail tomorrow.

I left out a section in print, but would like to add here.

I feel TC is anachronistic company, as the solvent byproducts they sell, commonly used to mix paint, are slowly being phased out in favor of waterborne coatings. The biggest players in the world are pouring a fortune into waterborne paint development: PPG, BASF, Akzo Nobel, Sherwin Williams to name the biggest. All of these moves are a result of mandates from the AQMD in California, which I describe in my letter.

On the industrial side, manufacturers are moving to powder coat and avoiding liquid paint altogether.

Coke made from Coal itself has environmentally friendly alternatives that can be used in steel making.

If after reading my notes you would like me to expand or clarify any points, please send me an email to this address, as I will be out of town all next week.

Thank you, and I wish you and Aaron great success in the next stages of the trial.

Sincerely,

Jay Farquharson  
CEL: [REDACTED]

**Knope, Sharon (USANYW)**

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**From:** Jay Farquharson <rt426@prodigy.net>  
**Sent:** Friday, July 19, 2013 6:36 AM  
**To:** Knope, Sharon (USANYW)  
**Subject:** Tonawanda coke case

Hello Sharon,

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If after reading my notes you would like me to expand or clarify any points, please send me an email to this address, as I will be out of town all next week.

Thank you, and I wish you and Aaron great success in the next stages of the trial.

Sincerely,

Jay Farquharson  
CEL: 716-570-3874

July 18th, 2013

Hon. William M. Skretny  
Chief United States District Judge for the Western District of New York  
2 Niagara Square  
Buffalo, New York 14202  
Telephone: (716) 551-1820  
Fax: (716) 551-1825

Honorable Judge Skretny,

I am writing to provide an impact statement on the matter of Tonawanda Coke.

From 1999 to 2012, I rented three separate office spaces from Uni-land development at 171, 245, and 275 Cooper Avenue, which is roughly one mile due East of their plant.

Also, from 1977 to 1989, I lived 2 miles West of the plant in Grand Island, on Fix Road with my Parents. One can see the stacks from the end of the driveway.

In those years, I do recall a distinctive burnt odor, but had no idea where it was coming from. While at Cooper Ave, I recall often seeing black ash on top of the community mail box for all of the suites.

Of particular note was what happened at night. I remember driving down Cooper towards Grand Island blvd, and I recall a thick green haze that just hung in the air. This was exactly like the horrendous air pollution at night I experienced in Beijing, China, which was explained to be to be coming from the ubiquitous burning of coal pucks in homes, and coal burned by industry.

It has been said that the employees at Tonawanda Coke would burn dirty coke at night as no one could see it, and my experiences bear that out.

I thought at the time that the smell was at most an annoyance, and could not fathom that it could be lethal, which I found out by picking up the paper this year and reading about it. I have spent a fair amount of time researching the case, and offer the following opinions.

1. In my Fix road neighborhood, cancer has taken my parents, three neighbors, and my Dad's boss who lived close by. These are the ones to which I can attest. My Mom also suffered from Thyroid issues in addition to her cancer. Had we known of these issues 30 years ago, we could have taken steps to reduce our exposure.
2. I am very concerned that my exposure to TC's benzene and other toxics will manifest themselves as illness in the future. As part of your sentencing, I would like the affected communities to be offered medical and biomarker testing to assess future cancer and other health risks. The town of Grand Island sent me a NYS DEC document that stated I was from 100-500% more likely to develop cancer from my Cooper Ave. exposure, and 10-50% from being a Grand Island resident, which I have been again since 1997. This is appalling. I was told by a physician that it will take 15 -20 years of non exposure to have a diminished risk of cancer.

3. If within the scope of your offices, may I ask that all affected residents and related parties have the opportunity to express, to each and every employee of Tonawanda Coke, their actions have affected them.

There are two reasons for this. This first is catharsis for the affected, similar to truth and reconciliation committees found around the world. The second is to impart upon each employee what the consequences of their actions have unleashed. Hopefully, perhaps, this would prevent an employee from future wrongdoing if they were aware of the consequences.

4. May I further request the following actions:

That Tonawanda Coke be compelled to make whole the affected Towns of Tonawanda, Grand Island, and others in that their contaminated soils and properties be tested and remediated.

That the company be compelled to cease operations, and remediate its own properties.


If the company cannot be shut down, then compel them to operate under the laws as set forth by what I believe to be the most stringent air quality rules in the country: those of the South Coast Management District, which covers the Southern California counties of Los Angeles, Riverside, Orange and San Bernadino, an area home to almost 30 million people.

This agency develops and sets the trends for emission standards for the rest of the country, and has a rule specifically for Coke operations, called rule 1114.  
<http://www.aqmd.gov/rules/reg/reg11/r1114.pdf>

As a region, a giant cost will continue to be incurred and borne by the future cancer victims of this company. To prevent this, I again ask you to first and foremost, close down this company.

Thank you,

Sincerely,

  
Jay Farquharson  
Grand Island, NY



RECEIVED

JUL 2 - 2013

SUPERVISORS OFFICE

To whom it may concern,

Hello, my name is Michelle Fatta. I am from the Town of Tonawanda, and grew up on Meadow Lane. Growing up, my mother, Colleen Fatta, was the healthiest person I knew. She was the Adapted Physical Education teacher in all eleven schools in the Ken-Ton School District, so naturally, health was very important to her. She never drank or smoked, and was an extremely healthy eater.

In March of 2011, my mother started coming down with very severe headaches. A few weeks later, she was diagnosed with a Glioblastoma brain tumor- the deadliest form of brain tumors. Eleven days later, I lost my amazing mother to brain cancer. *Eleven* days. I was only eleven years old. I didn't even have a chance to say goodbye. Our family's world was turned upside down, and twelve years later, we're still trying to put the pieces back together. My life will never be the same. My father, sister and I have all been in and out of family and individual counseling, because we just cannot come to grips with losing her. And we owe a big thanks for that to Tonawanda Coke.

A year after losing my mother, our neighbor two houses down died from the same exact form of brain cancer. We found out shortly after his death that our street, Meadow Lane, was one of the more highly polluted areas in the town. Two years later, a friend of mine close by lost his mother to brain cancer, as well. We knew then and there that we had to get out of the area before someone else in our family was diagnosed with cancer. There is absolutely no other explanation to my mother's death than Tonawanda Coke's carelessness and lack of respect for the town. In my eyes, you could give us everything the plant is worth, and it still would not make up for the loss my family and I have experienced, and will continue to experience for the rest of our lives. We lost 75% of our household income from losing my mother, which has forced us to struggle immensely over the years. My father lost his best friend, the love of his life, the mother of his children, and his lifetime partner. My sister and I were forced to grow up with no mother, and being a girl especially, it is very traumatic. It has been very stressful on all of us physically, mentally, and emotionally in ways that some will never be able to fathom. You only have one mother, and mine was taken away from me far too quickly. Since her loss, my father and I have had several physical health problems that we are forced to live with now simply because of the stress of losing her.

I feel that Tonawanda Coke owes my family a lot of money. To some, that might seem selfish, but if you lived in our shoes for the past twelve years you would understand. And the financial struggle hasn't stopped. In fact, it has gotten worse. So I am writing this because I want justice for my family, my mother, and for those around me who have experienced the same loss. The manager of this plant should be beyond ashamed in himself, and should be put in jail for life for the amount of lives he has ruined. I appreciate you taking the time to read this, and hope justice will be served.

Sincerely,  
The Fatta Family

RECEIVED  
WILLIAM M. SKRETNY

JUL 08 2013

United States District Court  
Western District of New York

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

TORI A. FEKETE - SELF  
JOHN P. FEKETE JR. - DECEASED HUSBAND

**Impact the crime and/or the defendants' conduct has had on you/your family:**

BREAST CANCER  
RENAL CANCER  
WITH NO FAMILY HISTORY TO EITHER PARTY

**Any thoughts on the type of sentence you feel the defendant should receive?**

CLOSE BUSINESS AND PAY FOR LOSSES

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

I WORKED AT THE ISLEVIEW RIVER WALK  
791 N. NIAGARA ST FOR 14 YEARS. SPENDING MANY  
HOURS THERE BREATHING IN TOXINS IN THE SUMMER  
TIME ON PATIO AND IN DIRECT PATH OF SMOKE.  
MY HUSBAND WAS ALSO PRESENT WITH ME MOST  
OF THE TIME.



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Gerald Fitzgerald

117 Whittier Ave

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Both had career & other problems

**Any thoughts on the type of sentence you feel the defendant should receive?**

Large fine to be returned to  
community

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

There has been a lot of crimes  
on Whittier Drive

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

DONNA M. FRENTZ

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Nose surgery for squamous Cell Carcinoma  
RADIATION  
permenient Lose of Smell + taste

**Any thoughts on the type of sentence you feel the defendant should receive?**

50 YEARS or more  
Community service to work with people who have illness  
So these people CAN see the people they AFFECTED ARE REAL.

**Include anything else you feel is important for the judge to know before imposing a**

**Sentence:** These people made billions of dollars with No thought to lives that were ~~affected~~<sup>affected</sup> by their behavior. People Are going to spend the rest of their lives paying for their Actions. But they will Never see this or even CARE.



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

JACK GALLAGHER + FAMILY

**Impact the crime and/or the defendants' conduct has had on you/your family:**

WE LOST OUR MOTHER AT A YOUNG AGE  
SHE NEVER GOT TO SEE ANY OF HER GRANDCHILDREN  
OR GREAT GRAND CHILDREN.

**Any thoughts on the type of sentence you feel the defendant should receive?**

THE MAXIMUM <sup>TIME</sup> + MONETARY FINES, AND  
CONFISCATION OF ALL PROPERTIES. THINK OF  
HOW MANY PEOPLE GOT SICK, DIED AND ARE CONTINUING TO  
BECOME SICK DUE TO THIS CORPORATE GREED.  
**Include anything else you feel is important for the judge to know before imposing a  
Sentence:**

ITS SURPRISINGLY CONVIANT TO SEE HIM  
AND THE OWNERS FAMILIES DONT LIVE DOWNWIND  
OF THAS HAZARD. THIS IS THE TIP OF  
THE ICE-BERG. WHOLE DEVELOPEMENTS DOWN-  
WIND ARE EFFECTED.

**Knope, Sharon (USANYW)**

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**From:** Theresa Giambra <tgiambra@[REDACTED]>  
**Sent:** Monday, June 03, 2013 3:01 PM  
**To:** jackiejamescreedon@gmail.com; Knope, Sharon (USANYW)  
**Subject:** United States v. Tonawanda Coke Corporation Impact Statement ROSANNA M. RUSSELL  
**Attachments:** THANK YOU GRAND ISLAND AND NEIGHBORING COMMUNITIES.doc; With her son at his graduation only four months before we lost her.JPG; Rosannas gravestone.JPG; Rosannas children Rosalie and Anthony.JPG; Rosanna four months before her departure with her daughter Rosalie.JPG; Rosanna and her children flyer for benefit.doc; Rosanna at her first Relay survivor walk feeling confident that disease was behind her.JPG; Our brave angel Rosanna third round of chemo after surgery with progression of disease.JPG; One of several memorial luminares at Relay event.JPG; Plaque a tree planting ceremony from Rosanna's daughters baseball team strike out cancer game in her honor.JPG; memorial brick in Roswell's garden of HOPE.JPG; Letter from Rosanna to Roswell CEO.doc; book drive for roswell pediatric ward.pdf; Letter to SPCA.docx; Relay event luminary to honor Rosanna.JPG

There is no way to describe the impact of the harm done to Rosanna and her family in a manner that is consistent with brevity or succinctness, firstly because I cannot speak for her she is gone - secondly I cannot summarize all she endured that was indeed harmful to her.

Rosanna lived at 1176 Staley Road, Grand Island, NY - a street that joins Winkler drive at a small intersection and via joining lots (backyards met for homes on Staley Road and Winkler Drive at the south end of Grand Island). Rosanna moved into her home in 2002. In June of 2006 Rosanna was diagnosed with stage IV esophageal cancer and endured 6 weeks of chemotherapy, radiation and a thirteen hour surgery to remove 60% of her esophagus and 40% of her stomach. Another 5 weeks of chemo after surgery and continued chemotherapy along with feeding tubes, longterm intravenous therapy and numerous hospitalizations. Rosanna was a single parent and head of her household. She was 41 years young when her life was interrupted by this disease and 44 years young when the disease took her from us. She had no risk factors, she was a nonsmoker and did not consume alcohol. She did not have any work related exposure to agents that increased her risk for cancer. Rosanna cared for mentally retarded and physically disabled individuals in a group home setting on Grand Island. Weeks prior to her diagnosis she was promoted to assistant manager of a group home of the like, she never started her position but strived to return to work and raising her two children. She remained grateful to all who supported her during her illness that lasted three years and hung on to hope that her doctors would never "give up" on her. She made a tremendous impact of all of her caregivers. To describe this loss to her, to her children, to her loved ones is one that is difficult to quantitate or itemize for restitution. She was without income but above all her precious life was stolen because of greed. I was shocked when I reviewed the findings of the studies indicating the cancer types and incidence in the demographic areas affected by the acts of the Tonawanda Coke plant. Throughout the

past three years we have strived to find positive, and to remember her positive and gracious examples. She did not complain, she would say instead of "why me" with regard to her diagnosis - "why not me" - she considered the children's valiant fight that she encountered as Roswell - she pointed out that more good came out of her illness than bad. But this should not have happened to her, she was poisoned unknowingly. A beautiful MOTHER, DAUGHTER, SISTER, FRIEND was taken and suffered beyond my ability to define. She was sentenced to loss of work, loss of function, loss of her ability to raise her children, loss of her beautiful young life.

The care givers at hospice, where she stayed for three days until her young body surrendered warned our family that such a young person with young otherwise undiseased and healthy organs would typically take "longer" to succumb. She was surrounded by loving family, nieces, nephew, friends, members of community who helplessly stood beside her.

Her children lost their Mother and provider - how do you calculate damages of such magnitude?

I am enclosing pictures of our Rosanna, her children, tokens to honor her and her own words in letters to Roswell, the SPCA. I ask your assistance in informing Judge Skretny of this beautiful life interrupted and taken that I believe was a result of the actions of this Corporation.

With gratitude ,  
Theresa Giambra, Rosanna's sister.

**Knope, Sharon (USANYW)**

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**From:** Theresa Giambra <tgiambra@[REDACTED]>  
**Sent:** Monday, June 03, 2013 9:14 PM  
**To:** jackiejamescreedon@gmail.com  
**Cc:** Knope, Sharon (USANYW)  
**Subject:** UNITED STATES V. TONAWANDA COKE. ROSANNA RUSSELL IMPACT STATEMENT  
FROM FATHER OF VICTIM

My daughter Rosanna Russell was diagnosed with esophageal cancer 2006. She was operated on in October 2007 at Roswell Park cancer institute where they removed over 50% of her stomach and over 50% of her esophagus. The type of cancer she had was symptomatic of those who smoked or drank alcohol heavily, she never smoked or drank anything with alcohol in it. She suffered for over two years being tube fed and not being able to keep any solid food down. She died in October 2009 at the age of 44. A single Mom, she left behind two children. Her death has had a tremendous psychological effect on both of her children. Her insurance covered her illness, and we her parents did not incur any monetary expenses. There is probably no way to prove that the Coke plant was directly responsible and there is no way to put a dollar amount on a situation like this. No amount of money would ever bring my daughter back, but there is a reason why so many people in this area have been diagnosed with different forms of cancer. My daughter lived at 1176 Staley Road for approximately six years, the previous owner of her home died from cancer shortly after my daughter died. I know of at least seven other young people in this area that have died from or are being treated for different forms of cancer. I don't know what sentencing would be appropriate because again nothing will bring my daughter back as well as the others that have died from this dreaded disease. Specifically this area I refer to being this area of Grand Island found to have highest exposure from these emissions allowed by this defendant.



716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

Name(s) of those affected (optional): Richard R. Gleason, Jr.  
Jamie L. Gleason, Kyle R. Gleason, Brett R. Gleason  
Jodi L. Gleason; We all lived at 1696 East River  
Grand Island from 4-1988 until 9-2012

**Impact the crime and/or the defendants' conduct has had on you/your family:**

I had bladder cancer.

**Any thoughts on the type of sentence you feel the defendant should receive?**

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

I know of many more people who live  
in the area that have had, have, or died  
from cancer. If you would like to talk  
about it 716-773-8968

Kathleen R. Greenawalt  
205 Duffy Drive  
City of Tonawanda, New York

In 2008, I was diagnosed with a bone marrow disorder that affects my red and white blood cells, called Polycythemia Vera. There is no cure for this disorder. I am at high risk for stroke, heart attack and blood clots. Up until this year, I have had phlebotomies to keep my hemoglobin at a safer level. But in March of this year, my blood levels were continually too high and in order to bring those levels into a safer range, my Dr. began a regiment of oral chemotherapy. I will have to be on oral chemotherapy for the rest of my life. A combination of the disorder and of being on chemotherapy increases the possibility of my developing leukemia.

The emission exposure information lists **Benzene** and states that it "specifically affects bone marrow and disorders of the blood". Unfortunately, that describes my disorder.

We bought our house in 1993 in the City of Tonawanda and immediately began to experience, on an almost daily basis, a foul odor, so profuse that it would wake us up out of a sound sleep. It was very sickening and very tiring.

We did question neighbors, people at work and at one point, I did send a letter to then Councilmember Rick Davis, expressing our concern and discomfort but it went nowhere and he never so much as acknowledged our letter.

Only when we began learning about the tireless work of the Clean Air Coalition did we finally realize where the foul odor was coming from. After the coalition's relentless efforts and pursuit of Tonawanda Coke, the EPA and DEC began their involvement and determined Tonawanda Coke's violations and illegal practices, forcing them to make changes. After a period of investigation and changes, we finally began to notice a relief from the foul odor.

Tonawanda Coke denied and tried to hide their illegal practices. A jury has found them guilty on several counts; the violations speak for themselves. I believe that Tonawanda Coke Corporation and Mark L. Kamholz should be held accountable and responsible for those violations that, without conscience, may have affected the lives of many in the surrounding areas and should therefore be sentenced to the fullest extent of the law.

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

Anthony J Guenther Sr  
Anthony J Guenther Jr.  
Joseph D Guenther  
Regina M Guenther

Impact the crime and/or the defendants' conduct has had on you/your family:

loss of father of 2 kids at  
9 & 12, loss of Spouse - priceless  
Severe impact in our lives. #1 stress  
A day doesn't go by we don't miss and think of him

Any thoughts on the type of sentence you feel the defendant should receive?

Maximum, and should pay everyone  
Something but money will never replace  
what we lost. That is the only way to hurt him,  
that is what he gained, greed for

Include anything else you feel is important for the judge to know before imposing a Sentence:

For years we would see the pollution,  
we live directly across the river.  
Our house (white), cars, boat, tables  
outside covered with it daily and  
it was always said it was safe.  
Even our doctor was questioning why this  
side of the island was impacted the  
most. lies, it was always lies we were  
being told. There needs to be reparation the  
restitution for the



## ERIE COUNTY LEGISLATURE

HON. KEVIN R. HARDWICK  
LEGISLATOR

RECEIVED  
WILLIAM M. SKRETNY

JUL 31 2013

United States District Court  
Western District of New York  
July 31, 2013

Honorable William M. Skretny, Chief Judge  
United States District Court  
Western District of New York  
2 Niagara Square  
Buffalo, NY 14202-3350

RECEIVED  
2013 AUG -5 PM 3:06  
U.S. PROBATION  
BUFFALO OFFICE

Dear Judge Skretny:

I write to you on behalf of thousands of my constituents in the Town of Getz Island and the Tonawandas who have suffered for decades because of the illegal behaviour of the Tonawanda Coke Corporation. Although it is difficult to attribute causality and say which deaths and serious medical conditions were the result of the company's actions and which were due to other factors, it is obvious that something is going on downwind of Tonawanda Coke.

For the past two months I have been walking the neighborhoods impacted by Tonawanda Coke's pollution. It has been heart-rending. Many residents I visited would point to the houses on their street and tick off the causes of death or current diseases in each one, "cancer, cancer, cancer, tumors, cancer, mesothelioma, cancer . . ." Last month I was in the Town of Tonawanda and met a 45 year old man sitting in front of his house. He told me he was a former football coach and now had COPD. He said he is unable to walk very far without becoming winded. He pointed to his house and told me his 18 year old son was inside with stitches in his head. The father explained that the young man recently had surgery to remove tumors. He lamented that this was the sixth such operation.

I relayed this story to Rebecca Newberry of the Clean Air Coalition recently and she asked me how this made me feel. I was not expecting the question and had yet to sort through my feelings, so I responded with the answer for which I thought she was looking and told her it made me angry. Although the corporation's disregard for the impact of their actions does indeed infuriate me, a more accurate response to Ms. Newberry's question would have been that I felt incredulous. I could not, and still do not, understand how someone could knowingly inflict so much pain and heartache on their fellow human beings. The people at Tonawanda Coke certainly had to know the consequences of their actions, yet they did it anyway.



Hon. William M. Skretny  
United States District Court  
Buffalo, NY 14202-3350  
July 31, 2013  
Page – 2

I hope, Judge Skretny, you share my incredulity and impose a just sentence. Although it is too late for many of the victims who lived on Grand Island and in the Tonawandas, a stiff sentence will serve to safeguard the health and welfare of those who still live in the shadow of the Tonawanda Coke Corporation's plant.

Thank you for your concern.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. R. Hardwick".

Kevin R. Hardwick, Ph.D.  
4<sup>th</sup> District Legislator

KRH/s

cc: Grand Island Supervisor Mary Cooke  
City of Tonawanda Mayor Ronald J. Piloizzi  
Town of Tonawanda Supervisor Anthony Caruana  
Senator Mark Grisanti  
Assemblyman Robin Schimminger  
Clean Air Coalition

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

*Barbara A. HENNEMAN and family members*

**Impact the crime and/or the defendants' conduct has had on you/your family:**

*My quality of life has been greatly diminished due to Tonawanda Coke polluting the air where I have lived for 45 years. Within the past 10 years I have developed a severe "chronic cough" which has resulted in my not being able to sit through Sunday mass, public meetings, and other functions without having to leave because of wretching coughing spells. My mood is accordingly affected due to these coughing episodes. Very upsetting! Been to numerous DR's. (pulmonary, ENT's, etc) without any permanent relief.*

**Any thoughts on the type of sentence you feel the defendant should receive?**

*Maximum for this type of crime*

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

716-873-6191 or

716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

TONNA M HENNESSY - AGE 64 1/2  
HAVE BEEN ILL FOR 3 1/2 YEARS.

Impact the crime and/or the defendants' conduct has had on you/your family:

I HAVE BECOME ILL WITH A DISEASE CALLED  
MYELOFIBROSIS. IT IS A BONE MARROW CANCER CAUSED  
BY EXPOSURE TO BENZINE. I RECIEVE BLOOD TRANSFUSIONS  
ALMOST EVERY WEEK. MY HUSBAND AND I RETIRED  
THINKING WE WOULD BE ABLE TO TRAVEL, BUT UNTIL  
MY DISEASE GETS UNDER CONTROL THAT WILL NOT  
HAPPEN.

Any thoughts on the type of sentence you feel the defendant should receive?

THE PUNISHMENT SHOULD FIT THE CRIME.  
HOW MANY LIVES HAVE BEEN AFFECTED SHOULD  
BE TAKEN INTO CONSIDERATION.

Include anything else you feel is important for the judge to know before imposing a  
Sentence:

I WAS A HEALTHY WOMAN UNTIL THIS  
HAPPENED. HOW DARE TONAWANDA COKE DO  
THIS TO ME AND MY FAMILY. THANK GOD  
I HAVE HEALTH INSURANCE. BUT I HAVE  
INCURRED THOUSANDS OF DOLLARS ON  
CO-PAYS AND MEDICINE. I HAVE ENCLOSED  
ALL MY VISITS TO ROSWELL, WHEN THIS TIME COULD  
HAVE BEEN SPENT ENJOYING RETIREMENT  
AND ENJOYING AND SPENDING TIME WITH  
MY HUSBAND OF 45 YRS, MY 2 CHILDREN, AND SPOUSES,  
AND BOTH OF THEIR CHILDREN, MY PREVIOUS GRANDSON

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Raymond and Linda Henry  
22 James Ave.  
Tonawanda, NY 14150-7703

**Impact the crime and/or the defendants' conduct has had on you/your family:**

The Crime of Pollution to the Area, air, ground.  
We both suffer from COPD as I also have Crohn's  
and Inflammatory Arthritis. I do feel the air  
quality we breathe in the last 12 yrs has  
possibly advanced our medical deterioration.

**Any thoughts on the type of sentence you feel the defendant should receive?**

I trust the judge to know what's best in  
time however I feel financial punishment to  
clean up and possible restitution to the people in  
the Area.

**Include anything else you feel is important for the judge to know before imposing a  
Sentence:**

Our prayers are with you  
and we trust in the Courts wisdom!  
Thank you,  
Linda Henry  
C



152 Duffy Dr.  
Tonawanda, N.Y.  
July 29, 2013

Dear Mr. Hochul,

I'm 69 years old and have lived at this address since 1972. A few years back I had a melanoma on my back which was removed. My wife had a cancerous lesion on her neck which was also removed. Few people in the Riverview Heights section are cancer free. I do not like to point fingers but I do feel that it is a little unusual at best. We are down wind from Tonawanda Coke.

Yours,  
Charles J. Hulpiau

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

MICHAEL K. HIGGINS      Kyle Higgins  
TERESA HIGGINS  
KELSEY HIGGINS

**Impact the crime and/or the defendants' conduct has had on you/your family:**

CAUSED EXTREME FINANCIAL  
HARM + EMOTIONAL WORRY  
FOR ME AND MY FAMILY

**Any thoughts on the type of sentence you feel the defendant should receive?**

THEY SHOULD BE EXPOSED  
TO THE SAME BENZENE WHILE IN  
PRISON THAT I WAS EXPOSED TO.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

I ALSO OWN RENTAL PROPERTY  
IN THE TOWN OF TONAWANDA  
THAT IS VERY HARD TO RENT  
BECAUSE OF THE BENZENE  
POLLUTION FROM THIS PLANT  
AND THE NEWS STORIES COVERING  
IT.  
Michael K Higgins

26TH DISTRICT, NEW YORK

2455 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3306  
(202) 226-0347 (FAX)

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(716) 852-3929 (FAX)

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SUBCOMMITTEE ON EUROPE,  
EURASIA, AND EMERGING THREATS

July 31, 2013

Honorable William M. Skretny  
Chief United States District Judge for the Western District of New York  
2 Niagara Square  
Buffalo, New York 14202

Dear Chief Judge Skretny,

I am writing to you on behalf of a community that continues to endure the physical and psychological trauma caused by the actions of a company whose name has tainted the good name of Tonawanda. However, this is also a community that stood up, fought back and received a measure of vindication in your court when Tonawanda Coke Corporation was found guilty of 14 felony counts and its Manager of Environmental Control, guilty of 15 felony counts.

Now, I am joining with all those who have paid the price in terms of health and hardship to ask you to impose the maximum penalties on the responsible parties when they come before for sentencing on September 20.

After the guilty verdict was announced, I sent a letter to the U.S. Department of Justice asking for fines received by the federal government to be directed back into the community that has been directly and significantly impacted by the company's negligence. It is my sincere hope that any fines levied stay in the community where they can do the most good in an attempt to improve the lives of those who were negatively impacted and to improve the local community that was injured as a result of the company's actions.

I implore you Judge to use your power to direct that the disposition of any fines levied be used to ameliorate the specific violations associated with this case. Unfortunately, there is no shortage of need as it applies to the individual local claimants, the identified priorities of the impacted residents and the economic development opportunities vetted by the local leadership to remediate and enhance the environment to the greatest extent possible.

The neighborhoods in immediate proximity to this plant have suffered specific harms and measurable environmental degradation as a result of the release of benzene and other pollutants from the Tonawanda Coke facility. It is wholly appropriate that the proceeds of this legal action be used to mitigate the extensive environmental injury which these communities have suffered.

I am acutely aware of the high cost endured by those residents who have endured physical and mental anguish caused by the deliberate criminal actions of Tonawanda Coke. A cost that extends to their property values and the opportunity for economic development gains along the

waterfront that surrounds the plant. This unfair burden shouldered by a good, hard-working and hopeful community may never be fully eradicated but it can be greatly eased by the imposition of the maximum sentence. A ruling that directs local decision making to best address and mitigate the impacts of the actions of Tonawanda Coke will most assuredly empower these resilient residents to reclaim a cleaner, safer and brighter future.

Thank you for the opportunity to add my support and strong commitment to those who have endured the human devastation of this corporation's actions and who found strength in the judicial process and their voice heard in your courtroom.

Sincerely,



Brian Higgins

MEMBER OF CONGRESS



ATTN: Sharon Knope, United States Attorney's Office, 138 Delaware Avenue, Buffalo, NY 14202  
FROM: (Mary) Adele Henderson and Robert Hirsch, 146 Newfield St., Buffalo, NY 14207 (716) 871-9600  
RE: Impact Statement for sentencing of Tonawanda Coke Corporation and Mark Kamholz set for July 15, 2013.  
DATE: June 26, 2013

In 1995 my husband and I bought our house at 363 Esser Avenue/146 Newfield St. (Riverside). If we had known what was ahead of us we never would have moved into this neighborhood.

Shortly after moving in we were dismayed by brief yet intense and frequent onsets of a foul, heavy, acrid, tar-like stench that that shifted with the wind. The odor was bad enough to wake us from our sleep and forced us to close all of our windows, even on the hottest of nights. Sleeping in the heat and stink was unbearable. It gave me immediate headaches and constricted my breathing. It reached a point that we finally gave up and installed central air conditioning, just to be able to sleep. Even then "the stink" would find its way into the house and wake us up. During the day the offensive smell was frequently so disgusting that it forced us indoors. I would be outside gardening, enjoying the birds or swimming in the pool and then without notice, the air would become unbearable and I would have to rush indoors and close all the windows. Most evenings we would go to Isle View Park in Tonawanda to walk the dogs along the river and get some fresh air. Our walks were increasingly ruined by the same odors we encountered there as well. Before long we were checking the wind direction to see if it was "safe" to go to the river for our walk because if the wind was coming out of the SSW we learned we would be caught in its reeking path.

This made me incredibly angry and depressed. I am an outdoors person – in the summer I spend the majority of my days outside. In the winter we walk our dogs daily no matter what the weather. Tonawanda Coke was ruining our quality of my life. My doctor advised me to move and we seriously considered selling our house and moving. But who would want our house and why should we move? We were not the cause of the problem!

Six years after moving to Riverside, in 2001, I met Jackie James and with a handful of people we formed Toxic Tonawanda (which became the Clean Air Coalition of WNY). Our goal was to identify and expose the source of the pollution that was ruining our enjoyment of the outdoors. Over the first few years we met monthly and got organized. Our first public event was a "bucket brigade" training where we taught people how to make their own air sampling devices out of 5 gallon paint buckets, a hair dryer and some simple hardware. Soon after that we took air samples near Tonawanda Coke that revealed high levels of benzene as well as ammonia and held press conferences releasing the data we had obtained. We wrote to Don Crane, the owner of Tonawanda Coke, politely asking for a meeting with him to discuss our concerns. In return, we received a letter from his attorney refusing our simple request. In short, because of Don Crane and Tonawanda Coke's unwillingness to meet with us or to control their pollution we spent countless hours pouring over records of Tonawanda Coke at the DEC office, on the phone or on the street canvassing and recruiting new members to get involved. Because of his arrogant refusal to do the right thing we held monthly community meetings and recruited people in the neighborhoods to join in and persuaded UB professors, DEC, and EPA officials to help us in our fight to stop Don Crane's Tonawanda Coke from ruining our lives. Collectively core members of our group spent thousands of hours and personal resources working for justice.

Our intention as a group was never to shut down Tonawanda Coke, but to work together with them to clean up their operation. We asked them to be good neighbors and they would not even grant us the human courtesy of talking to us. What is most infuriating is that none of this was necessary. TCC could have controlled their emissions if they cared about anyone or anything besides the bottom line. Although my health has not been seriously compromised, dozens if not hundreds suffer chronic illness because they live (or lived) too close to TCC. These people are seriously ill because Don Crane and Mark Kamholz refused to take responsibility for their criminal actions. We urge the court to fine Tonawanda Coke the maximum allowable under the law and to make an example out of Mark Kamholz by sending him to prison. Doing otherwise would send a message to others that theirs was not a serious criminal offense. These are not victimless crimes. Many have suffered and many will continue to suffer because of Tonawanda Coke's decision to act in a reckless and endangering manner.

Yours truly, Adele Henderson and Robert Hirsch

ROBERT HIRSCH  
LIGHT RESEARCH  
146 NEWFIELD STREET  
BUFFALO, NY 14207-1650

July 30, 2013

Dear Judge Skretny:

My name is Joyce Hoffmann Hogenkamp and I live on Rogers Avenue in the city of Tonawanda, less than 2 miles from the Tonawanda Coke plant. I lost my mother Joyce Hoffmann, who lived on Hackett Drive, October 30, 2006. I watched her go to the hospital many times in her last 4 years of life. She suffered so much pain from having to have multiple blood transfusions. Her heart just couldn't take it anymore. Every day I have to go on without my best friend, see my son miss his Nana all the time, she missed my son's college swim career and his college graduation. She will miss him getting married and having his own children. I feel cheated that she missed so much already and she will miss our family's future happy events, there is always an empty chair for her.

I have suffered from multiple eyes, ear, nose and throat infections and burning when Tonawanda Coke put ammonia and benzene in the air. I have Hoshimoto's Auto-immune disease of the thyroid, complicated by nodules on the thyroid. I had to have my gall bladder removed because of a severe infection. I am still seeking medical attention for my chronic conditions. I have watched my son, since birth; go through multiple ear infections, chronic sinus problems. He is still seeking medical attention for his conditions. Because of no baffles in the quench tower, it made it impossible to enjoy our back yard, with pool and hot tub. There was always a horrible smell followed by a burn. There was a black oily film on the pool and tar balls floating around. I had to wash white siding almost every day with Dawn soap to remove the oil clinging to it. It always looked dirty and yellowish until I cleaned it. Our windows had to be cleaned constantly so we could see out, if not there was an oily film giving an appearance of fog. The constant cleaning has significantly shortened the life of the siding and of our windows.

I feel Tonawanda Coke and Mark L. Kamholtz should be punished to the fullest extent of the law. I feel they have hurt me and my family. The blatant disregard for the laws and the community is appalling. The disregard for human health and lasting effects on our community is unforgiveable. I am one of many; please sentence them to the maximum allowable by the laws of the United States.

Sincerely,

  
Joyce Hoffmann Hogenkamp

**Knope, Sharon (USANYW)**

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**From:** clholler@[REDACTED]  
**Sent:** Friday, June 14, 2013 6:01 PM  
**To:** Knope, Sharon (USANYW); "<sharon.knope2">@usdoj.gov  
**Subject:** Gary Holler 291 Utica St Tonawanda NY...716-418-3418

We have been following the Tonawanda Coke story for quite some time. My husband was diagnosed in September of 2005 with stage II Testicular cancer. By March of 2006 it had spread to stage III. He was 38 years old. It is a rare form of cancer that normally occurs in a younger age group. Less than a year later his brother was diagnosed with stage I Testicular cancer. He was 41. We live in the City of Tonawanda on Utica St just 4 houses away from where my husband and his brother grew up. Roswell Park was convinced it was environmental as this cancer is never hereditary. National Institute of Health wanted to do a study on them both as it is rare, it is not hereditary and were also certain it was environmental. Following the illness in the news of those living near or downwind of the Coke plant had us wondering if that indeed contributed to their illnesses. My brother in law is in remission. He underwent surgery and radiation treatments for stage one.. He had moved to North Tonawanda a few years back. My husbands cancer was progressively worse and entered the final stage. He also had surgery and radiation treatments but then endured 3 full cycles of chemotherapy to help him achieve remission. The side effects of the chemotherapy has left him permanently disabled with severe, painful peripheral neuropathy. He has never been able to return to work since September 2005. He had medical coverage during this time and now receives Social Security Disability. But the medical bills not covered by insurance, the loss of income from his job, the pain and suffering he still endures on a daily basis, his diminished quality of life and the lives of our two children who were only 8 and 4 years old at the time were severely affected. And we would like to make known, along with all the other victims who suffered illness, who's lives were changed due to the neglect of this company our satisfaction that they are being punished, with hope that the victims receive some sort of resitution for the horrible things they had to endure at the hands of Tonawanda Coke.

85A Foxberry Drive

Getzville, NY 14068

June 29, 2013

United States Attorney's office

Attn: Sharon Knope

138 Delaware Ave

Buffalo, NY 14202

To whom it may concern.

I am writing this victim impact statement to illustrate our contact with the Tonawanda Coke environmental problem, over the years, since we purchased and lived in our home at 295 Brookside Terrace, Tonawanda, NY . We moved in to Brookside terrace in 1970.

1. Shortly after we purchased the home at 295 Brookside, we installed a large round, above ground, pool. It was extremely hard to keep it clean. This was especially more difficult on Monday mornings because I discovered that on Sunday evenings it was clear that Tonawanda Coke was cleaning there facility with large smoke visible as we looked in that direction.
2. Our daughter spent a lot of time going to Doctors to care for a severe allergy problem during her years when living at 295 Brookside terrace.
3. I developed prostate cancer and had to have surgery in 2000. It sure makes me wonder if the cause was connected to the Coke problem. It is amazing how many families on Brookside Terrace have been inflicted with various forms of cancer over the years.
4. I have had several skin cancer spots removed from my face and head. Two years ago I had a malignant melanoma removed from my back.
5. I developed a severe problem with asthma and breathing problems and have spent many sessions with Pulmonary and Ear, Nose and Throat Doctors to try to remedy my situation. These symptoms came sometime after 1970.
6. My wife, Carol, developed several symptoms after 1970. Her first symptom noted in the early 70's was numbness in her leg. This developed a prognosis of possible Primary Progressive MS. Over the last 43 years she has made appointments with many specialist doctors to treat auto-immune problems. Specifically...
  - a. Sjogren's Syndrom



- b. Rashes
- c. Leg weakness- numbness of feet, and toes
- d. Arthritis
- e. Skin cancer- eye lid, face and leg
- f. Diabetes
- g. Paresthesia

Over the years, since 1970, it was hard for us to understand why we were being affected by so many health problems. Now that we see the report of what Tonawanda Coke was doing and denying over these same years it now, at least, gives us some answers. I hope this helps in the final decision as to penalties to Tonawanda Coke.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Horton".

James and Carol Horton

cc. Jessica Bagley

Tonawanda News

Phone- 716-689-9268

Dear Judge In Charge,

First of all, thank you very much for taking the time to read this. As a long-time resident of the Town of Tonawanda for my entire life, born and raised on Pullman Avenue, I sincerely appreciate the opportunity to express my health concerns as well as that of my immediate family (*who should be added to the list of statistics of cancer/autoimmune diseases*) that I believe have been affected by emissions from Tonawanda Coke. I moved to Dunlop Avenue with my husband and two children in January 1990 where I lived for 20 years (this Riverview Area is also outlined as part of the area of concern).

For informational purposes the following deceased members of my family I believe were affected by said factory emissions:

Mother, Bette G. Walf, diagnosed with breast cancer in December 1996 and uterine cancer in September 1997 (died April, 2008).

Father, Robert J. Walf, diagnosed with prostate cancer in the fall 2007, emphysema and COPD. My dad also worked at Maislin Trucking Company for 28 years which is also in the vicinity of Tonawanda Coke. (died February, 2008).

Sister, Nancy E. (Walf) Donn, diagnosed with metastatic breast cancer in December 2005 and passed away within five years (died December, 2010).

Sister-in-law, April A. (Austin) Walf, though not a blood relative, she was born and raised on Oakview Avenue, which also is definitely in the proximity of the Tonawanda Coke plant, was diagnosed with Lupus in her 30's and couldn't continue working by age 40 so she qualified for Social Security Disability and passed away suddenly due to complications of this life-threatening disease. (Died November, 2006). FYI, her one sister has lupus and another sister has fibromyalgia.

My parents lived on Pullman Avenue for over 30 years prior to moving to Grand Island in 1995, *most ironically*, directly across from Tonawanda Coke.

My health has been deteriorating since 2006 to the point where I'm affected at my job as a secretary and feel that the following chronic symptoms are the result of being exposed to the emissions from Tonawanda Coke. I would not be surprised if you've received other statements from individuals experiencing the same, if not all, of the ailments described below. These symptoms mimic Multiple Sclerosis and Lupus and were ruled out by my neurologist in 2006. Incidentally, MS has a high rate of occurrence in this area as well as cancer (which has directly affected my mother, father and sister) so I feel I have a compelling restitution claim to be considered.

I have experienced the following symptoms since September 2006 (they have been chronic, non-stop, 24/7 for 365 days a year). Functioning on a daily basis with simple tasks (hygiene, brushing hair, etc.) has taken a toll on me.

Generalized weakness  
Weakness/tingling in arms, legs and hips  
Shortness of breath  
Chest pain  
Muscle twitching  
Swelling of right arm, drops things  
Trouble swallowing/lump in throat  
Fatigue  
Exercise intolerance  
Eye pain  
Muscle/tissue/bone aches and pains  
Balance problems (fell 5 times since 2010-suffering one concussion in 2011)  
Pre-cancerous cells were found and removed from my breast in December 2011  
Trouble concentrating  
Two years ago was diagnosed with central sleep apnea (brain can't tell lungs when to breath) - wear a CPAP machine  
Frequent urination  
No appetite – feeling of fullness all the time since January 2006  
Bloating of abdomen  
Vision – haven't been able to read at length for many years – feels like there's a knot in the middle of my forehead  
Dyslexic symptoms (affects my work)  
Neck pain  
Psychological testing out of the Dent Institute was performed a few years back and results were poor

I even went to my own expense of visiting the Cleveland Clinic back in 2009 to get their expert opinion and nothing has worked. I've tried many different medications, countless tests, counseling and unfortunately, nothing has helped. I am getting worse. Limitations in house work, career as a secretary, hugs from my family hurt. ☹

If you would like further information or if I can help in any way, please do not hesitate to call me. I can produce all of the medical records to substantiate this report as well as notes from doctors.

Thank you again for reading this, Judge. Hopefully, it was insightful and can be referred to as a statement of impact with regard to my health problems which could very well be caused by the streets I grew up on and raised my own family. It also lists my family's unfortunate diagnosis of cancer (so prevalent in this area of Tonawanda) which probably nothing can be done about now.

Sincerely,

Marian E. Iak  
(716) 289-0558



# City of Tonawanda Police Department

**Chief John F. Ivancic**

200 Niagara Street  
Tonawanda, New York 14150-1003  
(716) 695-8655

**Ronald Piloizzi**  
Mayor

**John F. Ivancic**  
Chief of Police

06/13/13

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue, Buffalo, NY 14202

Dear Ms. Knope,

I am currently the Police Chief of the City of Tonawanda Police Department, but I am writing this victim impact statement to you today as a citizen who lives in the area affected by the blatant toxic pollutants spewed into the air by Tonawanda Coke.

You see my home address is:

[REDACTED]  
Tonawanda, NY 14150  
716-[REDACTED]

My home sits directly across the street from the DEC's Air Monitoring station on [REDACTED]. My house is constantly being covered in black soot and necessitates me power washing the house twice a year, along with the constant cleaning of our windows year round. We are also subjected to noxious odors throughout the year.

Most importantly, in February of 2013, I was diagnosed with a brain tumor. That tumor was found to be cancerous – it is called Gliosarcoma. It is a very deadly form of cancer and has impacted my life by necessitating the early retirement of my career due to the unknown effects and length of quality time that I may have left with my family. For this reason, I am retiring as of 06/21/13, in order to preserve my benefits for my family. No one can tell me how long I can survive with this and no one can predict the future, but without this deadly disease, retirement would not have been a consideration at this time.

I would ask that the Honorable Judge William Skretny please consider the most severe criminal and civil penalties allowed by law when sentencing Tonawanda Coke and defendant Mark Kamholz. I would also ask that restitution claims be made available in the future. Victims such as me that were just recently diagnosed with cancer cannot put a dollar amount on potential economic losses as I am still going through treatment. I have lived at my house since 1994 and was diagnosed this year. Being forced into retirement has resulted in the loss of years of potential income; I can only estimate that I would have liked to have worked at least another 7 years. But how can we say right now the financial impact as we are still living with that impact incurring more losses every day?

Respectfully submitted,

John F. Ivancic

*"Serving Since 1894"*



716-851-4052 our volunteers are available to answer questions from 10am-3pm  
every Wednesday from May-August 2013

Impact Statement

United States v. Tonawanda Coke Corporation and Mark L. Kamholz

Name(s) of those affected (optional):

Rachel Kennedy - 8/██/35 - birthdate  
Paula Leach (daughter) - having same medical  
problems as mom (Rachel Kennedy)

Impact the crime and/or the defendants' conduct has had on you/your family:

Breathing - pulmonary issues  
In 1966 went to the National Jewish pulmonary hosp.  
In 1972 and 2013 went to the Cleveland Clinic  
1st diagnosed w/ MAC - micro Bacterium Avium, now  
doctors say COPD. 20 years on medication, has now been  
taken off, drugs not working - doctors can't help.

Any thoughts on the type of sentence you feel the defendant should receive?

would like the defendant to be responsible for  
all medical bills incurred since 1966. I have a  
folder for everyone of them!

Include anything else you feel is important for the judge to know before imposing a  
Sentence:

was living a healthy, sick free life until  
age 47.

lived in Riverside, NY from 1950-1966  
then moved to the City of Tonawanda  
until present.

Debbie Lynn Kenny

111 Irene St.

Tonawanda, N.Y, 14207

June 13, 2013

United States Attorney's Office

Attn: Sharon Knope

138 Delaware Avenue, Buffalo, NY 14202

Dear Attorney General,

I am a 49 year old female writing in regards to restitution claim on the lawsuit against the Tonawanda Coke plant and the environmental clean air act. It has been six years now since I resided in the city of Tonawanda also known as the "red zone".

Along with black dust that I would wake up to every morning on my vehicle even after just washing my car I also became sick all of the time. I have had several cases of infections, respiratory issues and sudden fibroids. I have not felt ok since the first year I moved there. I can provide documentation from my doctor. And still to this day I am congested.

You can reach me by mail or on my cell phone @ (716)986-6650.

Sincerely Yours,

Debbie Lynn Kenny

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):** Susan Kolbe

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Susan (myself) is no longer able to work my job that I went to school for. I decreased my hours and changed jobs taking pay cuts to eventually being disabled.

**Any thoughts on the type of sentence you feel the defendant should receive?**

They should be monetarily and imprisoned for their illegal pollution to the air in my community that I breathe.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

This has been going on for years. Their deception, intentionally imposed on our community. I am sure that having benzeen in the air I breathe is a cause for my health problems.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Victor Kovachi  
Mary Jane Kovachi  
Mary Jo Kovachi  
Peter Kovachi

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Victor - Kidney Cancer - 10 yrs on Dialysis & Treatment  
Mary Jane - ovarian cancer & squamous cell on nose passed away 2004  
unable to have children - adopted Mary Jo & Peter  
Mary Jo - Kidney disease & Breast Cancer w/mastectomy  
& chemo  
Peter - Lung disease

**Any thoughts on the type of sentence you feel the defendant should receive?**

Let him go Threw all of Above and Than may be  
he will see what he has done. BUT  
I will leave up To Judicial System

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Mary Jane  
Mary Jo  
Peter Kovachi  
109 Brendan Ave  
Town of Tonawanda, NY 14217



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Claudia L. Kurtzworth

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Due to environmental emissions, I have had significant health problems since childhood. (Respiratory - asthma, chronic bronch., emphysema and skin allergies). These are medically documented. There has also been a high incidence of cancers in the area I grew up in (City of Tonawanda).

**Any thoughts on the type of sentence you feel the defendant should receive?**

I feel the defendants should pay restitution for those harmed due to their negligence.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

From a personal stand point, my quality of life has been negatively affected. My respiratory illnesses have taken my abilities to be active and also sing. The illnesses are non-reversible and the medications are costly.

\* I received this notice late in June - Hopefully my input will be considered. I can get medical records if necessary.

Thank you  
Claudia L. Kurtzworth

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

ANDREA ROSE LEWIS (SELF)  
MY FAMILY - TAMMY + TERRY MCCUE  
MY SISTERS BRANDIE + CRYSTAL LEWIS

**Impact the crime and/or the defendants' conduct has had on you/your family:**

IM 26 YEARS OLD NOW @ 20 YRS OLD  
I WAS TREATED FOR CERVICAL CANCER  
WITH MULTIPLE LEEP PROCEDURES.  
I HAVE HAD CHRONIC EAR PROBLEM 3 SETS  
OF TUBES STARTING @ 3 MOS OF AGE  
MULTIPLE STOMACH PROBLEMS / KIDNEY  
INFECTIONS THAT ARE STILL ON GOING

**Any thoughts on the type of sentence you feel the defendant should receive?**

ITS IMPOSSIBLE TO PUT A MONETARY  
PRICE ON RUINING A CHILDS LIFE

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

THE CHEMICALS EMITTED IN  
WNY AND OVER MY HOME TOWN  
OF GILARE ARE AWFUL. I MOVED OUT  
WEST HOPEFULLY I WILL LIVE  
LONGER NOT BEING AROUND  
NEGLEGIENT COMPANYS THAT  
POLLUTE THE AIR + MAKE US  
SICK. THANK YOU FOR HELPING  
US.  
ANDREA LEWIS

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Stephanie J. DiMaggio (Mazzone)

**Impact the crime and/or the defendants' conduct has had on you/your family:**

- Diagnosed with Crohn's Disease in November 2010

**Any thoughts on the type of sentence you feel the defendant should receive?**

- I think it terrible that people had developed chronic illnesses due to their actions. I think they should have to pay for all of the people's health care bills and other restitution for making people ill.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

ROBERT MARCEL  
198 WINKLER DR  
GRAND ISLAND, NY  
14072

6-2-13

**Impact the crime and/or the defendants' conduct has had on you/your family:**

I HAVE SEVERAL HEALTH ISSUES AND CONCERNS, AMONG THEM  
ARE: HIGH BLOOD PRESSURE, HEART IRREGULARITIES, POSSIBLE  
BLADDER CANCER AND FIVE SPINAL DISKS DETERIORATED.  
I HAVE NO IDEA IF TONAWANDA COKE CONTRIBUTED TO MY  
HEALTH ISSUES, OR TO WHAT PERCENTAGE THEY ARE LIABLE

**Any thoughts on the type of sentence you feel the defendant should receive?**

NO THOUGHTS

**Include anything else you feel is important for the judge to know before imposing a Sentence:**



**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

Name(s) of those affected (optional): my HUSBAND Wm.H. Maroz  
and my sons Nicholas Maroz M.D. & Christy Maroz Esq.

**Impact the crime and/or the defendants' conduct has had on you/your family:**

1. PHYSICAL PAIN - 2 STRESS - 3 FINANCIAL COST  
WE PERSONALLY PAY FOR THE MOST EXPENSIVE  
HEALTH CARE WE CAN AFFORD, BECAUSE OF MY  
NEEDS. RESTITUTION SHOULD BE MANDATORY!!

**Any thoughts on the type of sentence you feel the defendant should receive?**

1. Full extent of the law!!
2. TONAWANDA COKE CORP. KNEW THE VIOLATIONS OF THE  
FEDERAL ENVIRONMENTAL STANDARDS!!

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

A SHEPARD LIVES WITH HIS FLOCK -  
WHERE DID "HE" LIVE??

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Colleen Marx  
7 Cowper Circle  
Tonawanda, NY 14150

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Born with severe asthma, (have been hospitalized several times and even as a young adult my lung capacity is that of a 70+ yr old), and severe allergies, (tested positive to 112/115 items tested). The severe eczema from childhood has left my hands and other areas scarred.

**Any thoughts on the type of sentence you feel the defendant should receive?**

KNOWING that they were polluting and affecting the health of countless people? ~~12~~ They should receive the maximum allowed by law.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Their reckless actions have permanently damaged the health and well-being of their neighbors.

Shame on them!

United States Attorney's Office  
138 Delaware Ave.  
Buffalo, NY 14202  
Attn.: Sharon Knope

Dear Sharon,

My name is Susan Mazur, I lived in the Ritchie Rd. Trailer Park from 1979 to 1982 in close proximity to the Tonawanda Coke Factory. My hope is that you will consider this letter as you make your final decisions regarding Tonawanda Coke.

I decided to write a letter after the recent news of chemical warfare being splashed across the media. What is the difference if someone is poisoning you suddenly or over time? People still die! Thousands if not more. This has been legally adjudicated that Tonawanda Coke has, and still is, sending deadly chemicals into the air. Causing people to have cancer, many strange auto immune diseases, abnormalities, child birth issues, DEATH!

While I lived there, and shortly after moving out of Ritchie Rd Trailer Park my body's immune system started to attack itself, I wake up every day of my life with severe pain, I am crippled, I have heavy metal toxicity, I have received infusions of Chelation treatments, to try to reverse further harm that is occurring in my body. (enclosed) Before I lived there, my life was vibrant filled with work, family and friends. Health! This was stolen from myself and many others, because someone who cares more about money than a human life decided to send poisonous chemicals into the air and bury horrific chemicals in the ground; Killing thousands over the years.

How do companies get away with so much in our own country? On one hand our President is ready to bring military action against Syria for killing it's people suddenly, and on the other allow companies to kill us slowly, by seeping deadly chemicals into our air and land? This has gone on way to long, my hope is that you will be able to stop this by shutting them down.

Again, I hope you consider all these facts as you make your decision regarding Tonawanda Coke. My Story was written in 2009 and has been updated where needed (attached).

Sincerely yours,



Susan Mazur

[slmazur@yahoo.com](mailto:slmazur@yahoo.com)

562 Lynbrook Ave.

Tonawanda, NY 14150

cc: Brian Higgins, Kevin Hardwick, Jackie James



**My Story-Susan L. Camardo, Mazur**  
**slmazur@yahoo.com**

My name is Susan Mazur. I lived in the Ritchie Road Trailer park located in Kenmore, near Tonawanda Coke, with my ex-husband and infant son from March of 1979 to 1982. Our mobile home was located in the back of the park next to the railroad tracks. When I was well, I would take a jog everyday along the tracks with my dog and would notice that open railroad train cars would go by with a black powdery, soot-type substance in them. These railroad train cars would also sit on the tracks for days before they were moved out. We also noticed that a black powdery, soot-type substance would get all over our home, the furniture, my son's toys – we could not sit down to eat at our table without having to wipe the black substance off first. Our furniture, which was brand new at the time, was totally eaten away as if by acid within a few years. We would also frequently cough, and when we would blow our nose or expel mucous, there would be a black substance present.

There was also a very strong odor that would permeate the air at various times of the day. I would get excruciating headaches, would vomit, and have to lie down. I was pregnant with my second son in 1980, who was subsequently born with kidney problems and ultimately Attention Deficient Disorder. He too, would vomit continuously day and night from the time he was born until he was 5 years old. The Doctors could not immediately figure out what was wrong, but when they did, he had surgery to remove scar tissue that was blocking his kidney from functioning properly.

We moved out in 1982, when I was pregnant with my daughter. Shortly thereafter, my body really began to deteriorate and the Doctors could not figure out what was wrong. I would have pain and swelling in my hands – my wrist would swell up tremendously and the bones ended up fusing together within a short period of time. It was determined that my immune system was attacking itself. I began to see a rheumatologist, who could not exactly pinpoint what was wrong with me – except that it was some kind of auto-immune condition. He said whatever I was afflicted with was like a fire going through my body, destroying whatever was in its path. I was told that if it was not able to be brought under control, I would soon be crippled. This was devastating at the time as I had 3 small children, was working, enjoying an active lifestyle, and my life was gradually being stripped away from me.

After several years of treatment, another local Doctor completed a work-up on my symptoms and commented that the medical condition that I suffered from looks like Scleroderma, Still's Disease, Rheumatoid Arthritis, and/or Lupus – but it wasn't any of them and I was told that I "have my own disease." My condition progressed to the point where I started experiencing lung problems. I saw another specialist who after performing a bronchoscopy, thought I had Cystic Fibrosis. I was then sent to another specialist and more testing, where the Cystic Fibrosis possibility was ruled out, but it was determined that what I did have was Mycobacterium Tuberculosis.

Since I was first diagnosed with a mysterious auto-immune condition, I have been to some of the best Doctors and hospitals in the country – Johns Hopkins, Cleveland Clinic, and currently Strong Memorial's auto-immune clinic in Rochester. The verdict is that my disease most closely resembles Rheumatoid Arthritis, but there are further complications and anomalies present.

This disease has stripped me of my lifestyle and severely limited my ability to contribute to society; it has deprived my family of my ability to be a wife, parent, and grandmother; it has made claim upon the insurance industry for medical bills, surgeries, and progressive medicine in an attempt to successfully treat my condition; and burdened the country for the disability payments that I receive because I am totally disabled and unable to work – all in my late 30's and early 40's! In addition, I have undergone numerous infusions and surgeries, including two sinus surgeries, gallbladder removal, reverse total shoulder replacement surgery, elbow replacement surgery, tubal pregnancy, cysts in ovaries, tuberculosis, frequent pneumonia, knee replacement, and suffer from a constant cough and severe pain every day of my life, along with a host of other maladies.



If it can be determined that any of these local factories or companies are responsible for the exponentially high concentration of people in that area who have suffered a similar fate, or are constantly sick – I would think that the insurance companies and/or the state and federal governments would want to know about this due to the insidious amount of money that is already being spent on health, medical bills, and social services.

What I have found out about my medical state is that the human body uses the conditions that I and many others suffer from as a means to try and neutralize toxicity (acute inflammation, redness, swelling, heat, and pain). Think of the reaction to a bee sting – redness, swelling, heat and pain are the reactions within the body as it tries to eliminate the toxicity. Chronic inflammation occurs when the toxins and contaminated cells are not completely removed from the area. The immune system will constantly attack the contaminated cells until it completely destroys them. During and since my days in the Ritchie Road Trailer Park, my immune system has been turned up and is functioning on overload. Could it be the air quality? As of yet, I can't be positive about what my medical condition can be attributed to, but I am willing to bet that if investigation and analysis is conducted in proximity to that specific area in Kenmore/Tonawanda, and with the mobile homes in the back row of the trailer park, possibly through the soil samples, a connection or answer may be discovered as to what the black powdery, soot-type substance is; and why so many people who have resided there are chronically sick.

Update:

Since the writing of my story approx. 5 years ago there have been some new developments:

- I had heavy metal testing and was found to have elevated levels of Lead and Cadmium in my body, which was strange as I have only smoked a few years of my life as a teenager, and my parents and spouse are non smokers
- Underwent treatment of chelation for removal of Heavy Metals
- Left total knee replacement 2/2010.
- My son, who was conceived, born and lived at the Park, is now developing auto immune RA

I know this area is where I developed this horrible disease, my parents nor my siblings have any of these symptoms or diseases.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Terrence J. McCre, Tammy A. McCre  
(children) Crystal Lewis - Brandee Lewis -  
Andrea Lewis \* my best friend Cheryl \*  
Fubler Died from CA 2 yrs ago

**Impact the crime and/or the defendants' conduct has had on you/your family:**

The impact is grave - my husband  
is having on going cancer treatment at  
Roswell. I lost my 3rd born son as  
a still birth at 8 mos gestation.  
I have been treated for CA as well  
as two of my daughters \* See attached  
paper \*

**Any thoughts on the type of sentence you feel the defendant should receive?**

The maximum allowed still wouldn't  
be enough for the damage caused to  
myself & family for negligently following  
the air

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

This is a recurrent  
problem in our area

Love Canal etc -

this <sup>case</sup> needs to set a

Precedent so this can

no longer happen again

so they  
could  
Profit  
\$  
:)



MAY 28-2013

TO WHOM IT MAY CONCERN

IN THE YR 1996 MY WIFE  
FRANCES McEKDOWNY. WAS DIAGNOSED  
WITH BREAST CANCER. WE FOUGHT  
THAT PROBLEM FOR SIX YRS. AFTER  
ALL THE TREATMENTS. WE THOUGHT  
EVER THING WAS GOING TO BE OK  
BUT IN THE YR 2009 SHE WAS DIAGNOSED  
~~WITH~~ WITH STOMACH CANCER SHE  
PASSED AWAY IN AUGUST. 2009. AFTER  
53 YRS OF MARRIAGE

RONALD. J. McEKDOWNY  
89. HACKETT. DR.  
TONAWANDA. N.Y. 14150  
TEL# 1-716-694-2315

I HAVE BEEN LIVING AT  
THIS ADDRESS SINCE YR 1962

MAY-28-2013

I HAVE NO GARAGE FOR MY CAR  
SO EVERY DAY I WOULD GO OUT TO START  
IT UP BUT IT WOULD BE COVERED  
WITH SOME SORT OF RESIDUE  
EVERY DAY FOR SEVERAL YRS  
I COULD PRINT MY NAME ON THE HOOD

~~THANK~~ THANK-YOU



June 19, 2013

Dear Judge Skretny:

My name is Ronald McEldowney and I live on Hackett Drive, less than two miles from the Tonawanda Coke plant. I am a victim of the plant's illegal air pollution. My dearly departed wife Francis passed away in 2009 of cancer. She had breast cancer with successful treatment was in remission, during her routine checkup the doctors found stomach cancer in 2008. I believe her cancer was because of her always being outside breathing benzene polluted air. Prior to this she was very active and very healthy and took care of herself. The suffering she went through was unbearable. Every day I have to go on without the love of my life and the mother of my two daughters and my grandchildren. We had a long life ahead of us and I feel cheated that she is gone.

I suffered from multiple eye, ears, nose, and throat irritations and burning when Tonawanda Coke put ammonia and benzene in the air. I still have chronic problems that I am seeking medical attention for with my ears, nose and throat. I live in a white vinyl sided house and because of no baffles in the quench towers and other violations, I've had to power wash my home excessively, I do not have a garage and the amount of tar and oil left on my car has led me to wash it daily or suffer from paint damage and a shortened life span of the vehicle.

I feel Tonawanda Coke and Mark L Kamholz should be punished to the fullest extent of the law. I feel that they have hurt me and my family. The blatant disregard for the community is appalling. The disregard for human health is unforgivable. I am one of many, please sentence them to the maximum allowable by the laws of the United States.

Sincerely, 

Ronald McEldowney

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

RICHARD MCINTOSH  
DONNA MCINTOSH

**Impact the crime and/or the defendants' conduct has had on you/your family:**

DEFENDANT'S NEGLIGENCE CONTRIBUTED HARMFUL  
DISCHARGE OF EMISSIONS, THAT I BELIEVE REFLECTED  
HEALTH ISSUES ON MY FAMILY & MYSELF

**Any thoughts on the type of sentence you feel the defendant should receive?**

GIVE THEM THE MAX SENTENCE, SOME OF THESE  
PEOPLE ALREADY RECIVED A DEATH SENTANCE  
FROM THERE ~~NEGLIGENCE~~ NEGLIGENCE

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

THERE WILL BE A LOT MORE ILLNESSE  
DUE TO THIS CRIME IN THE AREAS THIS HAS  
AFFECTED, THE DAMAGES ARE STILL TO COME

**Knope, Sharon (USANYW)**

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**From:** Anita.mcphee <anita.mcphee@[REDACTED]>  
**Sent:** Friday, May 24, 2013 8:48 PM  
**To:** Knope, Sharon (USANYW)  
**Subject:** Tonawanda. Coke

Dear, Sharon. I am. 62 years old . i lived on. Fowler ave. In zip codr 14217. For 18. Years. I moved to. 14223 in. 1999. In. 2010. I was diagnosed with. Triple negstive breast cancer. Both breast are gone. There is no drug for my type cancer to prevent itd reoccurance. I believe my living on fowler and walking at niawanda park on river contributed to my breast cancer. I feel those funds should stay in town to srvice present and future victims. And i believe. Tonawanda coke should be shut down. I may be contacted at. [REDACTED] 8088. 135. Gardenwood. Lane. 14223

T-Mobile, America's First Nationwide 4G Network

William B. Meagher  
274 Rogers Avenue  
Tonawanda, NY 14150

The Honorable Judge William Skretny  
U.S. Attorney's Office  
138 Delaware Avenue  
Buffalo, NY 14202

RE: Tonawanda Coke and Mark L. Kramholz

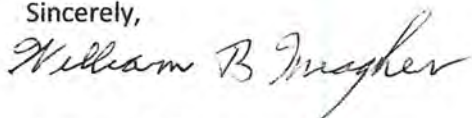
Honorable Judge Skretny:

I am writing you this letter to encourage you to impose the maximum fine on Tonawanda Coke Corporation and Mr. Mark Kamholz at sentencing for the 11 counts of violating the Clean Act and 3 counts of violating the Resource Conservation and Recovery Act. In addition, Mr. Kamholz, being guilty of one count of obstruction of justice, should receive additional penalties. I encourage you to earmark any monetary fines to be used for reparations for those who have been directly affected by Tonawanda Coke's and Mr. Kamholz's negligent actions.

I have been a resident of Tonawanda for 59 years, residing at 274 Rogers Avenue since 1970. In November of 2012, I was diagnosed with stage 4 lung cancer. I am receiving treatment at Roswell Park Hospital. I have undergone chemotherapy and I am currently taking an oral chemotherapeutic drug, Tarceva. I feel that my malignancy can be attributed to Tonawanda Coke's illegal emissions. I ask that I and/or my heirs be considered for reparations.

If you are in need of any additional information, do not hesitate to call me. I can be reached at 716 [REDACTED] 3261.

Sincerely,



William B. Meagher



TO WHOM IT MAY CONCERN :

REGARDING TONAWANDA COKE VICTIM  
IMPACT STATEMENTS :

I AM A BREAST CANCER SURVIVOR. I  
WAS DIAGNOSED & HAD SURGERY APRIL 2004.

MY DAUGHTER WAS DIAGNOSED WITH  
MELANOMA CANCER OF THE LIVER  
JULY 2012 & SHE PASSED AWAY NOV. 2012  
AT THE AGE OF 46.



PHONE # : 716- [REDACTED] -7938

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**  
**Impact Statement Information**

On February 26, 2013, the defendants, Tonawanda Coke Corporation (“Tonawanda Coke”) and its Manager of Environmental Control, Mark L. Kamholz, each proceeded to trial on a 19-count Indictment.

On March 28, 2013, the jury found Defendant Tonawanda Coke guilty of 14 felony counts and Defendant Mark Kamholz guilty of 15 felony counts. Specifically, both defendants were found guilty of Counts 1 through 5 (violations of the Clean Air Act (“CAA”) by emitting coke oven gas from an unpermitted emission source), Count 9 (violation of the CAA by operating the western quench tower without baffles), Counts 11 through 15 (violations of the CAA by operating the eastern quench tower without baffles), and Counts 17 through 19 (violations of the Resource Conservation and Recovery Act (“RCRA”). Defendant Mark Kamholz was additionally found guilty of Count 16 (obstruction of justice).

Sentencing for both Tonawanda Coke Corporation and Mark Kamholz is set for July 15, 2013 at 9:00am before U.S. District Court Chief Judge William Skretny in the Federal Courthouse at 2 Niagara Square (9th floor), Buffalo, NY.

This was a significant trial. It is believed to be the biggest local environmental trial in years and only the second criminal prosecution nationally involving the Clean Air Act. Tonawanda Coke Corp. faces up to \$220 million in fines and Mark Kamholz faces up to 75 years in jail.

If you feel you have been harmed by the defendants’ conduct, you may submit an Impact Statement (attached) to be used for sentencing. Below are some general guidelines for preparing such a statement. Please be advised that the defendants will get a copy of your Impact Statement. The statement should be provided by July 1, 2013.

- Keep the statement as succinct and to the point as possible.
- List any impact the crime and/or the defendants’ conduct has had on you and/or your family.
- Address any thoughts about what type of sentence you feel the defendants should receive. Include anything else you feel is important for the judge to know before imposing a sentence.

**You may submit your impact statement directly to:**

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue, Buffalo, NY 14202.  
(716) 843-5828, [sharon.knope2@usdoj.gov](mailto:sharon.knope2@usdoj.gov)

**Or to Tonawanda Community Fund:**

If you feel you have been harmed by the defendants' conduct and have suffered an economic loss, you may submit a Restitution Claim to this office as part of sentencing. The Restitution Claim will then be submitted to Chief Judge Skretny for his consideration. The decision on whether to grant a Restitution Claim rests with the Judge. Please note that if you do seek restitution, you must be prepared to prove that you were directly and proximately harmed as a result of the offense. Below are some general guidelines for preparing such a claim. Please be advised that the defendants will get a copy of your Restitution Claim. All Restitution Claims should be provided by June 14, 2013.

- Describe in concise and particular terms how you have been harmed by the defendants' conduct.
- Itemize all costs incurred as a result of the defendants' conduct.
- Include supporting documentation such as bills, receipts, statements, etc for any expenses you claim.
- Describe whether any losses were covered by insurance.
- Please submit your Restitution Claim and address any questions to:

United States Attorney's Office  
Attn: Sharon Knope  
138 Delaware Avenue, Buffalo, NY 14202.  
(716) 843-5828  
[sharon.knope2@usdoj.gov](mailto:sharon.knope2@usdoj.gov)

Additionally, the Tonawanda Community Fund (TCF) is featuring excerpts from affected residents impact statements in a community project. The purpose of the project is to highlight the overall impact in one visual bulletin board (through the social media application Pinterest). By signing below, you are giving TCF permission to use a portion of your impact statement in our project:

Signature: \_\_\_\_\_

Name: [Jacqueline Pritchard Mordaunt](#)

**Please contact us, if you have any questions.**  
**Tonawanda Community Fund**  
**43 Wardman Rd**  
**Kenmore, NY 14217**

716-873-6191 or

716-851-4052 our volunteers are available to answer questions from 10am-3pm every Wednesday from May-August 2013

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

The three children of Grand Island (since 1952) resident Jacqueline Pritchard Mordaunt

**Impact the crime and/or the defendants' has had on you/your family:**

The carcinogens released in the air by Tonawanda Coke may have contributed to the death of my two children and health issues for another child.

**My son Keith (1980-1986) diagnosed at age 5 died at age 6 from Non-Hodgkin's Burkitt's Lymphoma – lived near the study area.**

**My daughter Kali (1985-2012) diagnosed at age 21 died at age 27 from Glioblastoma- a brain cancer - lived in the study area.**

**My daughter Victoria born in 1993 attended St. Timothy's Day Care suffers, and is being treated for debilitating headaches – lived in the study area.**

**Any thoughts on the type of sentence you feel the defendant should receive?**

Any individual or group of individuals who knowingly contributes to the human exposure of cancer causing chemicals or chemicals that are associated with any health risk should be sentenced to the fullest extent of the law.

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Losing a child was the most painful life event I could possibly imagine. Yet it was inconceivable that it could happen a second time. But it did. I keep thinking ...how could this have happened???? I may never know that answer. However, I would have done anything in this world to protect them including not living near a company that polluted the air with carcinogens - had I known.

This is a life sentence for me and certainly my 2 children and the families they might have had if they had survived.



It is imperative the money stay in our area to help those affected, those who have not presented themselves as of yet and to help take a closer look at other polluters of our area and take action.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

Marilyn Merby, Tyler Czarniak (grand son)

**Impact the crime and/or the defendants' conduct has had on you/your family:**

Breathing, Rashes, infections, Cancers,

**Any thoughts on the type of sentence you feel the defendant should receive?**

Every day. You have to clean the film off our window ledges. Screams, should be a life sentence of cleaning public building, plus work a full time job

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Over and Over our voices and concerns have gone unheard - And no one cared. Show no mercy, wherever sentenced. Years of having sick families, Unexplained Rashes Breathing Problems. Many woman Rob of a chance to a mother child to hold.

Then maybe they could not get the hearing extra work we want this 10 years.

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

DAVID O'BRYAN

**Impact the crime and/or the defendants' conduct has had on you/your family:**

LOSS OF INCOME FOR 25 years RESULTING  
FROM BECOMING A QUADRAPLEGIC FROM  
EMISSIONS FROM TONAWANDA COKE

**Any thoughts on the type of sentence you feel the defendant should receive?**

MAXIMUM JAIL SENTENCE AND MAXIMUM  
FINES ALLOWABLE

**Include anything else you feel is important for the judge to know before imposing a Sentence:**

Index # 2011-2327

**Impact Statement**

**United States v. Tonawanda Coke Corporation and Mark L. Kamholz**

**Name(s) of those affected (optional):**

LORI A. ONEILL

PATRICK G. ONEILL

LEATRICE A MILLER

**Impact the crime and/or the defendants' conduct has had on you/your family:**

LEATRICE A MILLER death due to  
Ovarian Cancer. PATRICK G ONEILL  
death at 3 weeks of age due to  
~~severe~~ ~~born~~ severe birth defects. LORI ONEILL  
Breast Cancer

**Any thoughts on the type of sentence you feel the defendant should receive?**

—

**Include anything else you feel is important for the judge to know before imposing a Sentence:**